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The Times Dispatch

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THE TIMES, FOUNDED 1880. THIS DISPATCH, FOUNDED 1880.

WHOLE NUMBER 16,443.

RICHMOND, VA., SUNDAY, JANUARY 10, 1904.

PRICE FIVE CENTS.

HOURS OF "COTE" DAY NUMBERED

January Sees Passing of Virginia Institution.

JUDGES AND CLERKS LOSE POSITIONS

In Henrico Two Judges and a Clerk Go Out.

FAMOUS CASES IN EARLY DAYS OF COMMONWEALTH

Confession of Jeter Phillips, Wife Murderer, to His Counsel. Other Criminals Recalled From the Realm of the Forgotten.

Before another month has ended, the County Court system of Virginia, hoary with age, antedating the Commonwealth itself, will have become a memory of the past.

All over the State, judges and clerks and court officials generally are preparing for a change that is revolutionary in its effects. The ancient regime, born in colonial days, when the land was young, will be swept aside to give way to a new order of things, under which but one judge and one clerk will administer the affairs, criminal and chancery. Through many long years the County Court has been essentially the tribunal of the people; the center of local history; the assembling ground of the countryman and his farm neighbor. Around it the traditions and the records of the years were gathered; it will now itself become a record of the past. Its leave of life from this point, is short, and the numbered hours will soon bring its existence to a close.

In the majority of cases the change is imminent. To-morrow the County Courts will begin their last term. Certain cases will be disposed of immediately and then the books will be closed for good and all, and made ready for the transfer. A week later the Circuit Courts will gather and assume the reins of government. The old judges will go out, and new ones will take the bench; in a number of instances changes in clerkships will also occur.

The Henrico Court.

The passing of the County Courts is of particular interest locally, inasmuch as the change will have upon the affairs of Henrico county.

The January term of the Henrico Court will begin to-morrow morning and will probably be brief. No grand jury has been summoned, and everything will be made ready for the transfer. The docket will be gotten in shape and everything else will be arranged. On the Monday following the Circuit Court will assemble and do likewise. Both judges will bid farewell to the bench and one of the clerks goes out.

The new Circuit Court will meet on February 1st. It will be presided over by Judge R. Carter Scott, named by the Legislature for the new position. The clerk of the county will be Mr. Samuel P. Waddill, heretofore clerk of the County Court. Mr. John E. Broadbush, for the past ten years clerk of the Circuit Court, will retire. Judge B. R. Wellford, of the Circuit Court, and Judge T. Ashby Wickham, of the County Court, will both leave the bench. Both have been faithful and efficient officers, and have won the respect and esteem of the county.

Sketch of It.

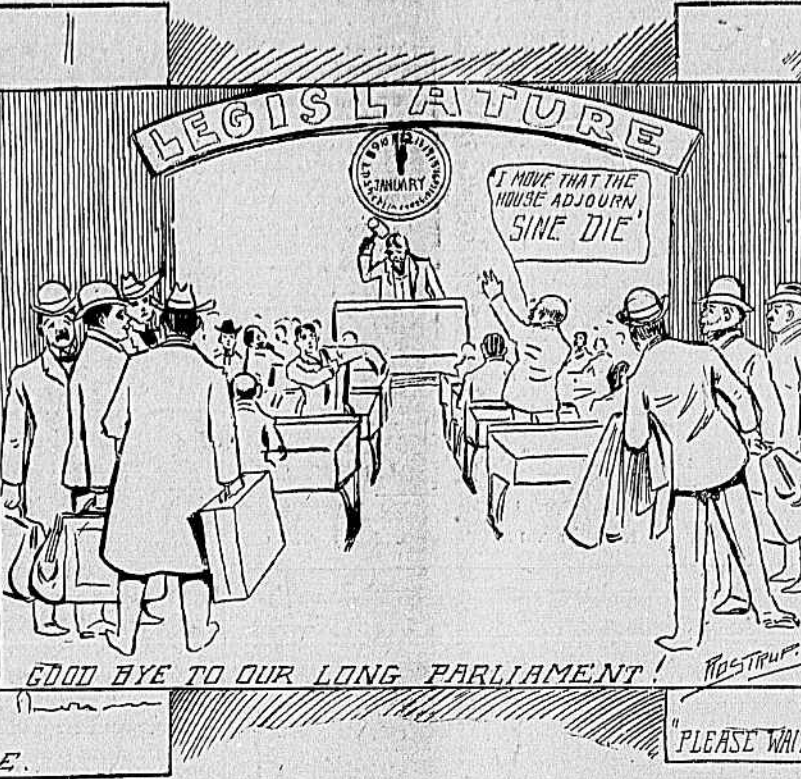
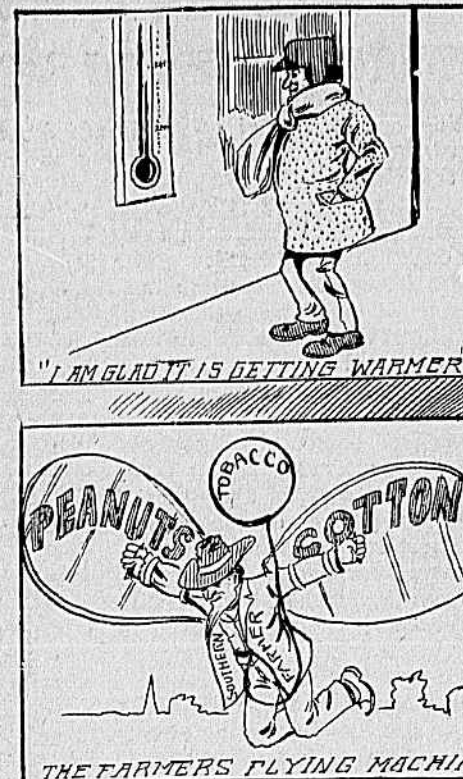
Henrico was one of the eight original shires into which the colony of Virginia was divided in 1624. It has had eight county clerks since the government was established after the war. The County Court has existed from colonial times. A Court House of the old style, built in 1682, was destroyed in a fire in 1804, when it was burned. The courthouse was rebuilt and demolished in 1886, when the present, fine structure was erected.

At first the court was distinctly a people's body. The laws were administered by a board of magistrates, elected by popular vote. On court day the county people assembled and transacted all sorts of affairs. All the prominent people in the section turned out. In 1870 the Underwood Constitution went into effect and the judgeship was established. Judge P. C. Minor was the first judge. He was succeeded by Edmund Waddill, Jr., who served from 1880 to 1884. Judge Minor then took charge again, and occupied the bench until 1894. In the latter year Judge T. Ashby Wickham was elected. The present clerk of the court, Mr. Samuel P. Waddill, who has held the office since 1871.

Famous Cases.

A number of famous cases make the history of the ancient court of Henrico one of unusual interest.

Most famous of all was the trial of Jeter Phillips, who was condemned before the court and then sent to the Circuit Court. "Squire George W. Thomas was one of the defendant's lawyers, and Phillips confessed his crime to him after he was sentenced. He brought her to Richmond and for a brief period they lived at the Virginia House here. Phillips said to "Squire Thomas that he was suddenly seized with an insane desire



PICTORIAL REVIEW OF NOTABLE EVENTS OF THE WEEK.

FREE MULLEN AND CATES

Governor Montague and Judge Witt Act Simultaneously.

THEY WERE TREATED KINDLY

Friends Were as Nice to Them as Possible—Letter From Buchanan.

W. H. Mullen and Sidney Cates, who were convicted some months ago in the Hustings Court of criminal libel, and who, on Monday last were sent to jail by Judge Witt in default of the payment of \$50 each assessed against them in the way of fines, were released yesterday.

Messrs. George D. Wise and Charles M. Wallace were final counsel for Mullen and Cates. Both men were treated with great kindness by their friends. Governor Montague without the knowledge of the proceedings, had a messenger on the way to the jail with papers of pardon, ordering their release.

Thus the men in either event would have been free, but as it was they received a double-barreled release, neither of the authorities having any knowledge that the other contemplated acting upon the cases.

Mullen and Cates were in jail five days. They were convicted of publishing libelous matter concerning Mr. C. B. Buchanan, superintendent of the Passenger and Power Company, during the recent street railway strike here.

GOVERNOR'S REASONS.

In issuing the pardon papers Governor Montague gave out the following statement, along with a letter written by Mr. Buchanan in the interest of the men: "W. H. Mullen and Sidney Cates were jointly convicted of criminal libel at the November term, 1903, of the Hustings Court, of the city of Richmond, and sentenced to a fine of \$50 each. Upon the request of a large number of citizens, the prosecuting attorney and Mr. C. B. Buchanan, the person against whom the offense was committed, and who, by letter, made a part thereof, I am of opinion that the ends of justice will be met by a remission of the fines imposed, which I hereby direct."

MR. BUCHANAN'S LETTER.

A copy of Mr. Buchanan's letter to the Governor is as follows: Richmond, Va., Jan. 8, 1904.

His Excellency, A. J. Montague, Governor of Virginia:

Sir—I am informed that you have been urged to exercise executive clemency in the case of Messrs. Mullen and Cates, who are now confined in jail for failure to pay fines imposed for the publication of a libelous article about myself some time since.

While the offense of which these men were convicted was in my judgment without justification of excuse, yet I feel that their conviction was vindictive, my reputation and the law; I also feel that their further punishment, while of no public benefit, would tend to intensify any feeling of antagonism between different members of the community, which it is most desirable to avoid.

Therefore, you can consistently pardon these men and order their release from prison. I should be much gratified to pay this debt.

Very respectfully, (Signed) C. B. BUCHANAN.

CANNON STARTLES SOCIETY WITH BOW

(Special to The Times-Dispatch.) WASHINGTON, Jan. 9.—The feature of the President's reception to the diplomatic corps was unquestionably Speaker Cannon's new society bow. Every one agrees upon this, and adds that nothing like it was ever seen in Washington before.

Even the beautiful new blue kimono of the Chinese minister was forgotten and the Speaker became the most observed person present.

Cannon's bow is a cross between a "pigron wince" and a courtesy. He makes it by holding his arm perfectly rigid and sweeping it backward like a man would throw a ten pin ball.

He places his right foot back, bringing it down on the floor with a loud stamp. This has the effect of throwing his head forward and lowering it at the same time.

THE MOTHER WANTED

(Special to The Times-Dispatch.) WILKESBARRE, Jan. 9.—There was an exciting scene in the Mayor's Court room to-day. John Hampton, a negro, was arraigned, charged with committing an assault on a white girl named Lottie Shannon. Hampton was out sleigh riding on Wednesday evening. On a corner Hampton saw Dorothy Warriner and the Shannon girl. He invited them to take a ride. The girls thought the man in the sleigh was a friend whom they knew. They jumped into the sleigh. When they discovered that Hampton was a negro they became hysterical. Miss Warriner jumped from the sleigh, but the Shannon girl was held fast. She claims the negro assaulted her. Hampton was arrested yesterday and given a hearing this morning.

The mother of the Warriner girl was in court, and while the Mayor was examining the prisoner she cried out: "If there is a man of spunk in this room, let him get a revolver and shoot the nigger."

No one responded. The Mayor held the prisoner under \$4,000 bail, and in default he was committed to jail.

LOW-CUT GOWNS NOT FOR CARDINALS' EYES

(Special to The Times-Dispatch.) ROME, Jan. 9.—Members of the "Black Society," an organization composed of the faithful of the Holy See, are much disturbed over the announcement that the Pope has written to M. Martins d'Antas, the Portuguese ambassador, and the dean of the corps of diplomats accredited to the Vatican, expressing the desire that women should not wear low-cut gowns at receptions attended by cardinals and other prelates.

Great excitement has been aroused by the Pope's action, especially among the women of the diplomatic corps.

A CHILD IS BORN WHILE FIRE RAGES

Rescuers Carry Mother and Babe to Safety Through the Smoke.

(Special to The Times-Dispatch.) NEW YORK, Jan. 9.—When the fire broke out last night in the basement of the seven story tenement house at No. 214 Canal Street and the halls began to fill with black smoke from burning cotton goods the hundred old Italian tenants fled in terror, half clothed, to the street and the roof. In a rear room on the third floor of the building was Mrs. Domenica Pirri, about to become a mother. In the excitement the women neighbors who had offered her assistance fled. In the midst of the uproar the child was born.

One of the women who had been with Mrs. Pirri informed Patrolman T. J. Murphy, of the Elizabeth Street Station, of her situation, shortly after the firemen arrived. Battalion Chief Sloan, Fireman Anthony Fogli, of Engine No. 55, and Murphy, went to the Pirri apartment.

There Mrs. Pirri lay unconscious. The men took mother and child on a mattress, though the smoke nearly blinded all.

Mrs. Pirri and the infant were treated temporarily and removed to the Lying-in Hospital. It was said there late last night that both were doing nicely.

WRIT OF ERROR GRANTED.

C. C. Johnson, of Portsmouth, May Get a New Trial.

The Supreme Court of Appeals yesterday granted a writ of error and quashed the verdict in the case of C. C. Johnson, of Portsmouth, who was convicted in the Corporation Court of that city and sentenced to two years in the penitentiary for forgery.

Johnson is represented here by Messrs. Hland and Hope and John W. Happer, and the charge upon which he was convicted in the lower court was that of forging the name of his late wife, Ella S. Johnson, to a paper purporting to be her last will and testament.

NATIVE LAND OF OOM PAUL

Magistrate Writes for Information on Intermarriage of Races.

MR. BIGGER MAKES REPLY

Sends Copy of Statute for Use in Battle Against Marriage of Whites and Blacks.

Mr. Thomas H. Bigger, assistant clerk of the House of Delegates, has received a letter from Mr. H. P. Colander, a magistrate in Durban, South Africa, asking for a copy of the law in Virginia against the intermarriage of the white and black races, with the view to making a crusade on this line in his country.

Mr. Bigger has two brothers-in-law in South Africa, as well as a friend, who gave the magistrate the following order: "THE CORRESPONDENCE."

The letter of Mr. Colander, together with Mr. Bigger's reply, is as follows: Magistrate's Department, Durban, Natal, South Africa, November 19, 1903.

Thomas Bigger, Esq., Richmond, Va.: Sir—A mutual friend of ours, Mr. W. P. M. Kellam, has supplied me with your address.

I understand that in your State a law exists prohibiting marriage between whites and blacks. If this is so, I shall be extremely obliged if you will kindly obtain and send me a copy of the statute in question. I desire to start a crusade against such marriages here.

Thanking you in anticipation, believe me Yours faithfully, H. P. COLANDER, Magistrate.

Mr. Bigger's reply is as follows: January 9, 1904. H. P. Colander, Durban, Natal, South Africa:

Sir—I am in receipt of yours of 19th November, inquiring as to the Virginia statute against miscegenation.

In reply I enclose you extracts from the Code of Virginia, which I have compiled with the assistance of my friend, Hon. Charles M. Wallace, Jr., nearly all of the Southern States have similar laws, and we hope that the principle may extend to Africa. If there is any further information I will be glad to furnish it.

Yours faithfully, THOMAS H. BIGGER, Assistant Clerk House of Delegates.

PROMINENT YOUNG MEN JOIN LAWYERS' RANKS

Out of the twenty-four applicants for law licenses before the Supreme Court on Friday at the examination held here on Friday seven were successful. The papers were gone over by the judges and the result announced on yesterday.

Among the Richmond men in the successful list are Assistant Secretary of the Commonwealth J. G. Hankins and Mr. John B. Lightfoot, Jr.

The full list of successful applicants is appended: A. Julian Bagby, West Point, Va.; E. H. Brumback, Lexington, Va.; Thomas Coleman, Charlottesville, Va.; M. P. Farrier, Petersburg, Va.; George Petrie Fishburne, Charlottesville, Va.; Meyer Koteen, Norfolk, Va.; Floyd A. Hughes, Newport News, Va.; J. G. Hankins, Richmond, Va.; John B. Lightfoot, Jr., Richmond, Va.; A. K. Morrison, Charlottesville, Va.; W. H. Price, Jr., Charlottesville, Va.; Howard W. Smith, Broad Run, Fauquier county, Va.; Thomas Temple, Charlottesville, Va.; Thomas Tolson, Norfolk, Va.; B. B. Woodson, Cumberland, Va.; Francis Byrd Winston, Hanover, Va.

DAUGHTER'S SPIRIT MUST CLEAR HER

(Special to The Times-Dispatch.) ALLENTOWN, Pa., Jan. 9.—Friends of Mrs. Bechtel, who have been heretofore the aged woman is showing the strain in the ordeal through which she is passing.

She is said to plead piteously for the spirit of her murdered daughter to come back and clear the family of the awful charge of murder.

"Oh, Mabel," she cries, "only come back and convince them that we did not kill you. If you can do this I will willingly let you back again." She protests her innocence as strongly as ever.

Captain Schaudt has announced that he may ask for a change of venue. Publications concerning the case and alleged to be erroneous are the basis for such action. One publication referred to alleged that the authorities based their murder charge against Mrs. Bechtel on an alleged quarrel between the mother and her daughter, Mabel, in which the latter was alleged to have been overheard by neighbors to say:

"If you don't let up on me I shall tell what you helped to do to Mabel." Dr. DeCosta, of Philadelphia, may be summoned by the defense to combat the Commonwealth's blood experts.

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POETRY DROVE HIM TO HYMEN'S ALTAR

(Special to The Times-Dispatch.) MIDDLETOWN, N. Y., Jan. 9.—Rev. Charles Howland Cookman, pastor of St. Paul's Methodist Episcopal Church, today announced his engagement to Anna Frances, daughter of Mr. and Mrs. James H. Grover, of Wilmington, Del.

He has a record for performing marriage ceremonies in this city, having officiated at twenty-six weddings since he came here.

Mr. Cookman is a graduate of Drew Theological College, and was assistant pastor of Grace Church, New York, in 1891 and 1892. He has a record for performing marriage ceremonies in this city, having officiated at twenty-six weddings since he came here.

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SMOOT SAYS HE IS NOT A POLIGAMIST

Bound by No Oath That Interferes.

ONE WIFE MOTHER OF ALL HIS CHILDREN

The Attorneys of the Petitioners Will be Heard by the Committee Saturday.

NEVER CONVICTED AT ANY VIOLATION OF LAW

Smoot Denies That He Is One of the Said Alleged Self-Perpetuating Body of Fifteen and Declares There Is No Such Body of Men.

(By Associated Press.)

WASHINGTON, D. C., Jan. 9.—The response of Senator Reed Smoot, of Utah, to the charges made against him was presented to the Senate Committee on Privileges and Elections to-day by Senator Burrows, chairman of that committee. It was agreed that at the regular meeting of the committee, to be held next Saturday, the attorneys for Mr. Smoot and also for the petitioners should be heard. They will be expected to show precedents and authority, and after they shall have made their presentation the committee will decide whether to go further into the matter by calling witnesses or dispose of it on the showing which will then have been made.

SMOOT'S ANSWER. Mr. Smoot's answer to charges against him was the following: "This respondent is advised and avers that but two of the charges made against him in said protests, either directly or by implication, are such as, if true, could legally affect his right to hold his seat in the Senate. These two charges are: "1. That the respondent is a polygamist.

"That he is bound by some oath or obligation which is inconsistent with the oath required by the Constitution, which was administered to him before he took his seat as a senator.

"Both these charges respondent denies.

NOT A POLYGAMIST. "As to the charge that he is a polygamist, the respondent says that he was married on the 11th day of September, 1881, to Alpa May Eldridge. She is his wife, and is the mother of all his children. He has never had any other wife, and has never lived with any other woman.

"As to the charge that the respondent is bound by some oath or obligation controlling his duty under his oath as a senator, the respondent says that he has never taken any such oath, or in any way assumed any such obligation.

"He holds no office, and does not uphold the Constitution and laws of the United States, including the condition in reference to polygamy upon which the State of Utah was admitted to the Union.

NO OATH OF FIDELITY. "The respondent denies that he is one of said alleged self-perpetuating body of fifteen men, or that there is any such body of men; or that the followers or members of the Church of Jesus Christ of Latter-day Saints, or any of them, accord the right to said alleged body to claim supreme authority, either divinely sanctioned or otherwise, to shape the belief or control the conduct of those under them in any manner, or to enforce or promulgate any such alleged body claims or otherwise exercises any such alleged rights, or that said church or said alleged body, or any person or body, exercises any authority or power to induct or encourage a belief in the practice of polygamy, or that either countenances or connives at any violation of the laws of the State of Utah or of the United States, and this respondent, for himself, in particular, denies that he is one of said alleged self-perpetuating body of fifteen men, or that there is any such body; or that said church, or any part thereof, or any person therein, inculcates or encourages a belief in the practice of polygamy, or that he ever has been a polygamist, or that he ever practiced polygamy.

NEVER CONVICTED. Mr. Smoot denies that he has ever been convicted at any violation of any law in Utah or the United States, and declares "that since the manifesto of President Wilson, forbidding polygamy was issued in 1890, neither he nor a practices of polygamy has either been taught or encouraged."

Mr. Smoot admits that the first presidency of the Mormon Church is vested with supreme authority in all things spiritual and in all things temporal, so far as temporal things pertain to the affairs of the church. He denies that the first presidency, or twelve apostles, are supreme in the exercise of all matters of the law.

Mr. Smoot alleges that since the manifesto of President Woodruff, of 1890, the practice of polygamy by those who were polygamists theretofore has been abandoned by many, but continued by some for a time, and where continued it is on the sole responsibility of such persons, and is subject to the penalties of the law.

It is denied that any body of officials either practices or connives at polygamy, or that Mr. Smoot or any body of officials sought to pass a law nullifying enactments against polygamy. It is admitted that such a law did pass the Legislature in 1891, but that many of the Mormon members voted against the bill, and that it was voted in particular by those who were polygamists, and that the law was never enforced.

Mr. Smoot alleges that the law was never enforced, and that he has as sacred a regard for the station of senator and for its duties as has any of the Protestants or the most loyal citizens.

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